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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,865

07/22/2003

Terry Joe Hanna

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EXAMINER

DEGHAN, QUEENIE S

ART UNIT

PAPER NUMBER

1731

MAIL DATE

DELIVERY MODE

03/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/624,865

Applicant(s)

HANNA ET AL.

Examiner

Queenie Dehghan

Art Unit

1731

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): The 112 2nd paragraph rejection has been overcome.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-70.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: Claims 5-7 present new issues that changes the scope of the claims and will require further consideration..

Continuation of 11. does NOT place the application in condition for allowance because: A 112 rejection of claims 2, 32 and 62 were made for the first time because the amendment dated 10/6/06 claimed a conventional screen laying on top of a structure for the first time. The emphasis in the potential new matter issue was the actually laying of the conventional screen on the structure, not the existence of the interior support structure. Because the applicant has not pointed out where specifically in the disclosure does a conventional screen lay on a structure, the 112 rejection on claims 2, 32 and 62 still stands.

Claim 1 recites "with or without hollow tips". Coggin exercises the option of without, but also discloses that it is known in the art that bushings do have nozzles or tips extending from a lower surface of the the orifice plate.

The applicant points out that figures 4 and 5 of Coggin teaches a maximum of 6 or 7 cells in the bushing, however, figure 8 teaches twice as much, since two rolls of cells are presented. Although Coggin does point out that glass can flow from one cell to the another, it doesn't necessarily mean that it actually does, and claim 1 recites the limitation "that at which lateral flow of glass from cell to another becomes significant", indicating that some flow between cells does exist. Also, Coggin support structure prevents the sagging of the tip plate, as similarly suggested by the applicant. One of ordinary skill in the art would look to Coggin to teach the use of an interior support structure to prevent the sagging of the tip plate.

Harris and Stalego were used to teach a specific screen in a bushing that helps maintain optimization of tip plate temperature profiles and not for the teaching of an interior support structure, which Coggin already has. One of ordinary skill in the art would look to Harris and Stalego for a modified screen to be used in a bushing such as Coggin for a uniform temperature profile of the molten glass. Although the screen of Harris utilizes marbles at first, the screen obviously is in constant contact with molten glass once the process proceeds. The bushing of Coggin also has 800 orifices and utilizes a interior support structure, therefore, one of ordinary skill would look to Hanna for an interior support structure for a superior performance in the 800 orifice bushing of Coggin.

Furthermore, the applicant mentions that Harris states the end of bushings tend to be of a higher temperature. The applicant also mentions the cooling of the center portion is due to the inlets for the solid glass. The applicant's cause of the higher temperatures in the bushing is purely speculative and the temperature profile of the glass at or above the screen will probably not be the same as the temperature profile of the glass at the tip plate. In fact, since Harris recognizes that there is a temperature difference in the bushing at the ends, Harris remedies the problem with a special screen and therefore promoting a more uniform temperature profile at the tip plate.

Harris also presents "a higher open area per unit of screen at the end regions than the center". It is not clear how this teaches away from the claimed invention, since the applicant recites a higher hole area at the ends. A higher open area is a higher hole area.

Stalego was used for the teaching of the screen and a plurality of screen areas, not the number of cells created by the interior support structure. Furthermore, the prosecution history of application no. 08/929,836 with reference to the Boards of Appeals decision No. 2000-0035 bears no reference to this case.



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